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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,570	03/29/2000	George J. Rebanc	BIZ/99-0008	6083

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BRADLEY M GANZ, PC
P O BOX 10105
PORTLAND, OR 97296

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/538,570

Applicant(s)

REBANE, GEORGE J.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34, 51-68 and 89-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-34, 51-68 and 89-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in Paper No. 7 is acknowledged.
However, Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, therefore the requirement is deemed proper and made FINAL.
2. Claims 35-50 and 69-88 have been cancelled. Claims 1-34, 51-68, and 89-95 have been examined.

Claim Objections

3. Claim 29 is missing. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).
4. Claims 21, 25, 30 and 31 are objected to because of the following informalities:
Claims 21 and 25 are duplicates and claims 30 and 31 are duplicates (due to

dependency). One of the duplicate claims must be amended or cancelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 54 and 55 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 54 and 55 recite the limitation "the online transaction" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 7-11, 13-15, 17-19, 21-23, 25-27, 30-34, 51-68, and 89-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Papierniak et al (USPN 6,128,624).

As per claims 1 and 8, Papierniak et al discloses a system for data collection, evaluation, information generation, and/or presentation (system 100, see Figure 4) comprising: a data capture server capable of receiving data from a data source over a computer network (server 130, see Figure 4), the data source providing data related to a transaction between buyers and sellers (customers 4, 6, and 8 connected to service provider 10, see Figure 3); one or more databases for receiving data from the data capture server (web server 220, local storage 222, or mainframe 230, see Figure 5); a plurality of processing modules in communication with each other and/or the one or more databases, each processing module performing a predefined operation on data stored in a database or received from a processing module (see Figure 6), at least two processing modules being selected from the group consisting of: a statistical analysis processing module (statistical analysis via intelligent decision support tool 304, see Figure 7); a data stabilizer processing module (indexing and formatting via tracking module 300, see Figure 7); a saturation limited forecasting module; a dynamic activity-level icon module (web access activity via web tracking module 300, see column 16, lines); and an alarm filter module (policy and operation parameters for collection via tracking module 300, see column 13, lines 10-16); one or more databases in communication with one or more processing modules for storing processed data received from a selected processing module; and a presentation server (web server 308) in communication with one or more of the databases for receiving items of data stored therein and presenting selected items of data as data or information (see column 14, lines 38-45), data on

the presentation server being accessible to remote computer systems via a network (internet 310).

As per claim 2, Papierniak et al discloses the data capture server is in communication with a data source comprising one or more remote computer systems (remote information web server 240, see column 12, lines 56-58).

As per claim 3, Papierniak et al discloses the data capture server is adapted to receive data from computer systems of consumers following an online e-commerce transaction (see column 8, lines 56-58).

As per claims 4, 5, 7, and 17, Papierniak et al discloses at least three and four of said processing modules are selected (as seen in above rejection of claims 1 and 8).

As per claim 9, Papierniak et al discloses the network over which the data source and data capture server communicate is the Internet (Internet 128, see Figure 4).

As per claim 10, Papierniak et al discloses the presentation server is accessible by remote computer systems via the Internet (Internet 128).

As per claim 11, Papierniak et al discloses a survey server that serves a survey questionnaire (interview questionnaire 382, see Figure 14) to a remote computer system comprising a data source so that a user of a remote computer system comprising the data source can complete the survey questionnaire, a completed survey questionnaire containing data supplied by the user being returnable to the data capture server over the internet.

As per claims 13-15, Papierniak et al discloses the remote computer systems comprise one or more merchant computer systems (business customer), a plurality

of consumer computer systems (consumer), the presentation server is accessible by a plurality of merchant and consumer computer systems (via display 112, see Figure 4).

As per claims 18 and 22, Papierniak et al discloses one selected processing module comprises a statistical analysis processing module and one selected processing module comprises an alarm filter module (as seen in above rejection of claims 1 and 8).

As per claim 19 and 23, Papierniak et al discloses one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a dynamic activity-level icon module (as seen in above rejection of claims 1 and 8).

As per claims 21 and 25, Papierniak et al discloses one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a data stabilizer module (as seen in above rejection of claims 1 and 8).

As per claims 26 and 30, Papierniak et al discloses a data stabilizer processing module (as seen in above rejection of claims 1 and 8).

As per claim 27, Papierniak et al discloses an alarm filter processing module (as seen in above rejection of claims 1 and 8).

As per claim 31, Papierniak et al discloses a dynamic activity-level icon processing module (as seen in above rejection of claims 1 and 8).

As per claims 32-33, Papierniak et al discloses the data capture and presentation server includes the survey server (data discoverer 360, see column 20, lines 38-44).

As per claim 34, Papierniak et al discloses a single server (server 130, see Figure 4) includes the data capture server, the presentation server and the survey server.

As per claims 89-90, Papierniak et al discloses a presentation server (web server 308) that includes web pages containing data or information that has been derived from at least two processing modules selected from the group consisting of a statistical analysis processing module; a data stabilizer processing module; a saturation limited forecasting module; a dynamic activity-level icon module; and an alarm filter module, the web pages being accessible to a plurality of remote merchant and consumer systems over a computer network (business customer and consumers).

As per claims 91 and 92, Papierniak et al discloses the network comprises the Internet (internet 310).

As per claim 93, Papierniak et al discloses the web pages include evaluation information about merchant performance, the information being derived from data processed by a selected processing module (see column 14, lines 63-67).

Claims 51-68 are rejected based upon the rejection of claims 1-3, 8, 14, 4-9, 11-13, 15, and 16, respectively, since they are the method claims corresponding to the system claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 20, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al (USPN 6,128,624).

As per claims 6, 20, and 24, Papierniak et al does not disclose all five of the processing modules are selected, and one selected processing module comprises a statistical analysis processing module and one selected processing module comprises a saturation limit forecasting module. However, Papierniak et al discloses recognizing patterns and trends of the data and information based on statistical manipulation (see column 13, lines 45-48), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a saturation limit forecasting module in Papierniak et al, thereby providing further statistical analysis via forecasting, thus making the system more robust.

As per claim 28, Papierniak et al discloses a data stabilizer processing module (as seen in above rejection of claims 1 and 8).

11. Claims 12, 16, 94, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al (USPN 6,128,624), in view of Sundaresan (USPAP 2003/0033299).

As per claim 12, Papierniak et al does not disclose the remote computer systems comprise a plurality of consumer computer systems and the completed survey questionnaire contains data about an online transaction between the consumer and a merchant. Sundaresan discloses on-line surveys and feedback of business transactions collected from users (see page 3, ¶ 33). Both Papierniak and Sundaresan are concerned with the effective data and information collection and analysis via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a survey questionnaire that contains data about an online transaction between the consumer and a merchant in Papierniak et al, as seen in Sundaresan, thereby providing specific feedback, thus making the system more robust.

As per claims 16, 94, and 95, Papierniak et al does not disclose the presentation server serves data comprising ratings about online merchants, the web pages include ratings of merchant websites, and the web pages include ratings information for one or more products, the ratings being based on data collected by the data capture server from consumer computer systems. Sundaresan discloses a business rating system 10 that receives users on-line surveys for ranking merchants and products (see page 3, ¶ 32-33). Both Papierniak and Sundaresan are concerned with the effective data and information collection and analysis via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include ratings about merchants and products in Papierniak, as seen in Sundaresan, thereby providing a mechanism by which

searches of businesses can be ordered based upon specific criteria (see Sundaresan, page 1, ¶ 7), thus making the system more robust.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Ng (USPN 6405175) discloses a web-site that allows users to search a product/price database.

-Walker et al (USPN 6405174) discloses a server that selects a soliciting merchant and an outputting merchant based on various factors.

-Lee et al (USPAP 2002/0072951) discloses collecting, analyzing, and presenting data by extracting input data from a database.

-Park (EP 1115073A2) discloses conducting an online survey.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and After Final communications, and (703) 746-7305 for informal/draft communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



adb

March 9, 2003



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600